

MAY. 1, 2002 11:29AM

FLEHR HOHBACH TEST

NO. 0016 P. 1

~~FLEHR~~
HOHBACH
TEST
ALBRITTON
& HERBERT
LLP

Intellectual Property Law

FACSIMILE TRANSMITTAL SHEET

Telephone: (415) 781-1989
Fax: (415) 398-3249

4 Embarcadero Center - Suite 3400
San Francisco, California 94111-4187

#5

DATE: 1 May 2002
FROM: Michael A. KAUFMAN
Reg No. 32,998
TO: Mr. Gregory M. VIDOVICH
PCT Legal Department - Office P/3727
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231
FAX NO.: (703) 308-6459
TEL. NO.: (703) 305-0045

RECEIVED

01 MAY 2002

Legal Staff
International Division

NUMBER OF PAGES (including this transmittal sheet): 7

If you do not receive clear copies of any pages, please let us know.

RE: U.S. Patent Application
Serial No.: 09/980,956
Filing Date: 4 December 2001
Applicant: Donald JAFFREY
U.S. National Phase Filing of International Patent Application
Appl. No.: PCT/AU00/00631
Title: **A Fuel Cell Gas Separator**
Our File No.: A-71184/DJB/MAK

MESSAGE:

Please see attached Revised Communication of Non-Receipt of Notice of Missing Requirements dated 1 May 2002. (The original of this correspondence will follow by first class mail.)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the within correspondence is being transmitted by facsimile to fax number (703) 308-6459 on 1 May 2002

Signed Todd V. Leone

Todd V. LEONE

IMPORTANT/CONFIDENTIAL: This facsimile communication is intended only for the use of the individual or entity to which it is addressed. The following pages contain information which may be privileged and/or confidential. If the reader of this facsimile is not the intended recipient, or the employee or agent responsible for delivering the facsimile to the intended recipient, you are hereby notified that any disclosure of the contents, or dissemination or distribution of this facsimile to others, or copying of this communication, is strictly prohibited. If you have received this communication in error, please telephone us immediately at (415) 781-1989 and return all copies of this facsimile to us by mail. We thank you for your cooperation.

PATENT

Attorney Docket No. A-71184/DJB/MAK

In re Application of

Donald JAFFREY

Serial No.: 09/980,956

Filing Date: 4 December 2001

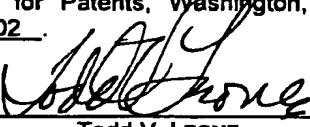
U.S. National Phase Filing of International
(PCT) Application No. PCT/AU00/00631Title: **A Fuel Cell Gas Separator**

Examiner: Gregory M. VIDOVICH

Office: P/3727

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231 on 1 May 2002.

Signed: 

Todd V. LEONE

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

**REVISED COMMUNICATION OF NON-RECEIPT
OF NOTICE OF MISSING REQUIREMENTS**

Sir:

We filed the above-referenced U.S. national phase filing of Australian PCT Application No. PCT/AU01/00631 on 4 December 2001 via the U.S. Postal Service ("Express Mail Post Office to Addressee" service). We did receive the validated return postcard back from the USPTO informing us of the serial number and showing the application as received on 4 December 2002. (A copy of the validated return postcard is attached hereto.) The application was filed without a Declaration. All filing fees were duly paid, including the surcharge for late filing of the Declaration.

To date, we have not received the expected Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). After a thorough search of our file wrapper for Appl. No. 09/980,956 (our File No. A-71184/DJB/MAK) failed to disclose any Notice of Missing Requirements, my

secretary, Todd Leone, telephoned the PCT Help Desk at (703) 308-6162 on or about 11 April 2002 and spoke with Tracy, who advised him that a Notification of Missing Requirements had, in fact, been mailed to us on 31 January 2002 with a due date of 31 March 2002. We have today via fax received a copy of said Notice of Missing Requirements and attach a copy thereof. A search of our office docket records also indicated that a Notice of Missing Requirements was not received. Attached hereto is a printout from our docketing system of all items in all cases docketed with a due date of 31 March 2002, as required in M.P.E.P. § 711.03(c) re 37 C.F.R. § 1.181.

Applicant hereby requests a new mailing of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). Applicant also requests that the due date for a response to the remailed Notice of Missing Requirements be recalculated from the new mailing date of the Notice.

Applicant believes that no additional fees are due at this time. Nonetheless, the Commissioner is hereby authorized to charge any additional fees that may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-71184/DJB/MAK).

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Date 1 May 2002

By Michael A. Kaufman
Michael A. KAUFMAN
Reg No. 32,998
Attorneys for Applicant

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

EL735048538US

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

Please acknowledge receipt of the enclosed patent application (U.S. National Phase filing of PCT application) with enclosures as marked (✓):

File No.: A-71184/DJB/MAK

PCT Appl. No.: PCT/AU00/00631

Applicant(s): Donald JAFFREY

Title: A Fuel Cell Gas Separator

- Specification with _____ pages and containing _____ claims
- Drawings (_____ sheets)
- Copy of Form PCT/IB/308 (in lieu of specification and drawings)
- Transmittal Letter with fee calculation
- Check No. 38755 in the amount of \$1,260.00 (to pay filing fee(s))
- Express Mail Certification Under 37 CFR § 1.10
- Declaration _____ Oath
- Declaration and Power of Attorney
- Assignment
- Check No. _____ in the amount of \$40 (for recordation of Assignment)
- Other: First Preliminary Amendment with replacement pages

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse. The above-referenced application and its enclosures were mailed via the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10.

"EXPRESS MAIL" LABEL NO. EL 735 048 538 US

SF-1069537v1

Date of mailing: 4 December 2001**FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP**

Please acknowledge receipt of the enclosed patent application (U.S. National Phase filing of PCT application) with enclosures as marked (✓):

File No.: A-71184/DJB/MAK

PCT Appl. No.: PCT/AU00/00631

Applicant(s): Donald JAFFREY

Title: A Fuel Cell Gas Separator

- Specification with _____ pages and containing _____ claims
- Drawings (_____ sheets)
- Copy of Form PCT/IB/308 (in lieu of specification and drawings)
- Transmittal Letter with fee calculation
- Check No. 38755 in the amount of \$1,260.00 (to pay filing fee(s))
- Express Mail Certification Under 37 CFR § 1.10
- Declaration _____ Oath
- Declaration and Power of Attorney
- Assignment
- Check No. _____ in the amount of \$40 (for recordation of Assignment)
- Other: First Preliminary Amendment with replacement pages

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse. The above-referenced application and its enclosures were mailed via the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10.

"EXPRESS MAIL" LABEL NO. EL 735 048 538 US

SF-1069537v1

09/980956

Date of mailing: 4 December 2001

JC14 Rec'd PCT/PTO 04 DEC 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, U.S. PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

| | | |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/980,956 | David Jafrey | A-71184/DJB/MAK |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/AU00/00631 | | |
| I.A. FILING DATE | PRIORITY DATE | |
| 06/02/2000 | 06/04/1999 | |
| CONFIRMATION NO. 3450 | | |
| 371 FORMALITIES LETTER | | |
| *OC000000007321088* | | |

Michael A Kaufman
Flehr Hohbach Test
Albritton & Herbert
4th Embarcadero Center Suite 3400
San Francisco, CA 94111-4187

CONFIRMATION NO. 3450
 371 FORMALITIES LETTER

 OC000000007321088

Date Mailed: 01/31/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of \$694 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees

are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$694 for a Large Entity:

- Total additional claim fee(s) for this application is \$694
 - \$414 for 28 total claims over 20.
 - \$280 for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

CHARITTA A BURT

Telephone: (703) 305-3734

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/980,956 | PCT/AU00/00631 | A-71184/DJB/MAK |

Page: 1

Dated: Mon Apr 22, 2002

Weekly Docketing Report

Resp. & Fees Due from 03/31/2002 to 03/31/2002

| Case Number/Sub Case Country/ Country Name | Due Date Status Application No. | Action Type Action Due Filing Date | Client | Title | Attorneys |
|--|---------------------------------|--|------------------------------|--|-----------------|
| A-70278-001 US United States of America | Mar 31, 2002 Pending 09/108542 | US-Final Office Action Final OA 7/1/1998 | MOTOROLA, INC. | PERSONAL HUMAN GENOME CARD AND METHODS AND SYSTEM S FOR PRODUCING SAME | RMS/CY/O |
| A-70278-001 US United States of America | Mar 31, 2002 Pending 09/108542 | US-Final Office Action Appeal Notice 7/1/1998 | MOTOROLA, INC. | PERSONAL HUMAN GENOME CARD AND METHODS AND SYSTEM S FOR PRODUCING SAME | RMS/CY/O |
| FE-58577-001-EP EP European Patent Office | Mar 31, 2002 Pending 93903986.6 | ReSp. to OA Validate Countries 12/28/1994 | MATRIX PHARMACEUTICAL, INC. | METHODS AND COMPOSITIONS FOR THE TREATMENT OF A HOST WITH A CELLULAR PROLIFERATIVE DISEASE | RFT/TAL |
| FTA-64232-007-EM EU European Community | Mar 31, 2002 Published 2196240 | File Opposition Opposition Due v 2174142 4/25/2001 | CLINICAL MICRO SENSORS, INC. | MOLECULE DESIGN | RMS/ESS/JJ W |

USPTO/PCT LEGAL

3703 308 6459

*** RX REPORT ***

RECEPTION OK

| | |
|----------------|----------------|
| TX/RX NO | 8642 |
| CONNECTION TEL | 415 398 3250 |
| CONNECTION ID | |
| START TIME | 05/01(WE)14:30 |
| USAGE TIME | 02 '46" |
| PGS. | 7 |
| RESULT | OK |